

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DIST. COURT
SAVANNAH DIV.

2001 MAR -8 P 2:08

FREDERICK GORHAM
(MOVANT)

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)
) CASE NO: 400-276
)
)

vs.

UNITED STATES OF AMERICA
(RESPONDENT)

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MOTION IN REPLY TO GOVERNMENT'S
RESPONSE TO GORHAM'S SUMMARY JUDGEMENT

COMES NOW, the Movant, **Frederick Gorham**, (hereinafter Movant) to show this Court the following:

1. That Movant filed the original Title 28 USC §2255 on October 11, 2000.
2. That Movant supplemented his §2255 on November 16, 2000.
3. That the Government failed to respond to the Supplemental Motion causing the Court to order Movant to re-send the Government a copy of the said Supplement inwhere the Court additionally ordered the Government to respond upon receipt of said Supplement within 20 (Twenty) days, see the order of January 9, 2001.
4. That the Government received the Supplemental Motion on January 23, 2001. see Attachment "A".
5. Excluding the day the Government received the Supplement, January 23, 2001, 20 (Twenty) days from then gave the Government until February 12, 2001 to respond according to the above mentioned court order.
6. That in fact, the Government **DIDNOT** Respond timely as the Court ordered as evidenced by their certificate of service to Movant shows the date of February 14, 2001, see Attachment "B".
7. That Movant's sister, **Latoria Carey**, did call the Clerk of Courts on February 21, 2001, and did ascertain the date of February 14, 2001, as the date the Government filed their response.


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8. Once again, the Government is attempting to mislead the Court, as shown in their response stating they did respond to the Supplemental Motion.
9. Movant concedes the fact that the Government responded, but Movant contends and asserts beyond any doubt that the Government **DID IN FACT** file their response outside and untimely to the Courts order of January 9, 2001, see Attachment "C".
10. There is no excusable neglect warranted here as the Government already bought additional time by claiming they never received the original sending of said Supplement. Furthermore, there is no meritorious defense for the above reasons.

WHEREFORE, the Movant prays this Honorable Court for the following relief:

1. To grant the relief prayed for in the original supplement to the §2255 motion.
2. Any and all further relief this Court deems just and proper.

Respectfully submitted,


Frederick Gorham, Pro-Se
#00503-021
Federal Medical Center
P.O. Box 1600
Butner, NC 27509

PLEA FOR LIBERAL CONSIDERATION

Movant Gorham respectfully moves the Honorable Court to **GRANT** all liberal considerations with respect to this action pursuant to HAINES V. KERNER, 404 U.S. 519, 30 L.Ed. 2d 652, 92 S.Ct. 594, as Movant is not an attorney and has not attended any law school, nor has any professional training with respect to the filing of legal proceedings.

Respectfully submitted,



Frederick Gorham, Pro-Se
#09593-021
Federal Medical Center
P.O. Box 1600
Butner, NC 27509

SENDER: COMPLETE THIS SECTION

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1 Article Addressed to

UNITED STATES ATTORNEY
ATTN: CARLTON R. BOURNE
Southern District of Georgia
P.O. Box 8970
SAVANNAH, GA 31412

2 Article Number (Copy from service label)

7000 0600 0023 5289 3135

Form 3811, July 1999

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A. Received by (Please Print Clearly) B. Date of Delivery

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1/23/01

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4 Restricted Delivery? (Extra Fee)

☐ Yes

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NORTH CAROLINA 27509

102595-00-100002

ATTACHMENT "A"

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the government's response in opposition to Frederick Gorham's amended 28 U.S.C. § 2255 motion has been mailed to:

Frederick Gorham, Inmate Reg. No. 09593-021
Federal Medical Center
Post Office Box 1600
Butner, NC 27509

This 14th day of February, 2001.

HARRY D. DIXON, JR.
UNITED STATES ATTORNEY



Carlton R. Bourne, Jr.
Assistant United States Attorney
SC Bar No. 007868

U. S. Attorney's Office
100 Bull Street, Suite 201
Savannah, GA 31401
(912) 652-4422

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FREDERICK GORHAM,)	
)	
Movant,)	
v.)	Case No. CV400-276
)	[CR497-181]
UNITED STATES OF AMERICA,)	
)	
Respondent)	

ORDER

The government has filed a request for service of pleadings. Doc. # 6. The government states that it was not served with a copy of movant's motion to amend, which was filed on November 20, 2000. The motion was granted by this Court on December 8, 2000.

Movant is ORDERED to serve the government with a copy of the motion to amend. Movant is further ORDERED to serve all future court pleadings on the government. The government will be allowed twenty (20) days from the receipt of movant's motion to amend to submit a response to the Court.

SO ORDERED this 9th day of January, 2001.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

ATTACHMENT "C"

CERTIFICATE OF SERVICE

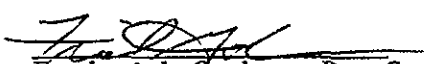
I, **Frederick Gorham**, swear I have deposited into the U.S. Postal box at Federal Medical Center Butner, N.C., copies of the enclosed Motion for the below named party:

1. Mr. Carlton R. Bourne, Jr.
Assistant U.S. Attorney
100 Bull Street, Suite 201
Savannah, Georgia 31401

This 6th day of March 2001.

I also request a stamped filed copy be sent to me in the self addressed stamped envelope enclosed herein.

Respectfully submitted,


Frederick Gorham, Pro-Se
#09593-021
Federal Medical Center
P.O. Box 1600
Butner, NC 27509